

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) CASE NO. 3:73-cv-00127-MMD-WGC
)
Plaintiff,)
)
WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)
)
vs.) PROPOSED:
) MINUTES OF PROCEEDINGS
)
WALKER RIVER IRRIGATION)
DISTRICT, et al.)
)
Defendants.) DATED: August 7, 2019
)

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Karen Walker REPORTER: Liberty Court Recorder

COUNSEL PRESENT: Andrew Guarino, Esq., Tyler Eastman, Esq., Wes Williams, Jr., Esq.,
Gordon DePaoli, Esq., James Bolotin, Esq., Dale Ferguson, Esq., Tori Sundheim, Esq.,
Christopher Mixon, Esq., Nhu Nguyen, Esq., Therese Ure, Esq.

COUNSEL APPEARING BY PHONE: Brad Johnston, Esq., Iris Thornton, Esq., Simeon
Herskvits, Esq., Miles Kreger, Esq., Jason, Canger, Esq., Roderick Walston, Esq., Harry
Swainston, Pro Se

MINUTES OF PROCEEDINGS: Status Conference

10:08 a.m. Court convenes.

The court is in receipt of the proposed agenda (ECF No. 2551) and will follow the
discussion points listed on page 2 for today's conference.

1 **Agenda item 1:** **The Principal Parties' Recommendations on the Substitution**
2 **of Parties concerning the process for substitution of parties,**
3 **requests to be removed from email notifications, and service**
 issues for unrepresented entities.

4 **ECF Nos. 2434 Notice of Change of Ownership of Water Right/ and 2485 - Order:**

5 The court and principal counsel confer regarding the VanSyoc Notice of Change of
6 Ownership of Water Right (ECF No. 2434). After discussion with counsel, the court notes the
7 request was not regarding transfer of a water right but pertains to certain individual ownership of
8 stock in the Antelope Valley Mutual Water Company (AVMWC) which is and remains a party
9 defendant in this action. This transfer of stock rights would not necessitate court approval, nor
10 does it affect defendant party AVMWC.
11

12 Despite the language in Order (ECF No. 2485), the court will not proceed with the
13 requested substitution of Mr. VanSyoc with Ms. VanSyoc or the other heirs of AVMWC stock
14 and AVMWC will remain as a named party to this case.
15

16 IT IS ORDERED that if AVMWC wishes to take further action in this case, it must act
17 through counsel and follow the substitution process outlined in Order (ECF No. 2556) utilizing
18 the attached "Form A" (ECF No. 2556-1). This form is not available, however, for transfer of
19 property/water rights by a trust, estate or corporation.
20

21 **ECF No. 2452 – Notice (Reiko Hervin and Patricia Hervin):**

22 After discussion with counsel, the court will take no further action on ECF No. 2452.

23 IT IS FURTHER ORDERED that if the heirs of Reiko and/or Patricia Hervin wish to
24 take further action in this case, they must act through counsel and follow the substitution process
25 outlined in Order (ECF No. 2556) utilizing the attached "Form A" (ECF No. 2556-1). Form A,
26 however, may not be utilized by trusts or estates.
27

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ECF Nos. 2458 – Motion/Letter to be removed from e-mail notifications and 2486 - Order:

In ECF No. 2458, Mr. Phillip Tucker and Ms. Dona Tucker, identified as “trustees” of the “AAPSM Trust,” advised they (whether individually or as trustees is not known) sold the property at 57 Desert View, Smith Nevada, and are “no longer interested parties to this litigation” and seek to be removed from the court’s email service list.

Mr. Eastman advises the court that despite the Tuckers’ letter advising they have divested themselves of certain property, Phillip E. Tucker and Dona C. Tucker remain as individual parties; the AAPSM Trust is not and never has been a party to this action. The court and counsel concur that Phillip E. Tucker and Dona C. Tucker remain as parties to this action.

Mr. and Ms. Tucker also requested removal from the email notification service list. To the extent the Clerk has not already done so in accordance with ECF No. 2486, the Clerk will remove Phillip E. Tucker and Dona C. Tucker from the email notification service list after the final Minutes of Proceedings are filed and placed on the docket.

IT IS FURTHER ORDERED that Tuckers, individually or as trustees, seek to take action in this case, to the extent such action involves the Tuckers as trustees, as on behalf of the Tucker Trust, they must act through counsel. If acting individually, they may follow the substitution process outlined in Order (ECF No. 2556) utilizing the attached “Form A” (ECF No. 2556-1), which, however, as noted earlier by the court, is not available for transfer of property/water rights by a trust or an estate.

ECF No. 2460 – Motion/Letter to be removed from the email list:

In ECF No. 2460, Ms. Marcia Anderson advises the court she was trustee of the Sabatino Trust which owned but has sold property located at 335 N. River Lane, Coleville, CA. Ms. Anderson seeks to be removed from the Clerk’s email service list.

1 After discussion with principal counsel, it is determined that Sabatino Trust remains a
2 party to this action. The motion (ECF No. 2460) requesting Marcia Anderson, trustee of the
3 Sabatino Trust be removed from the email notification service list is **granted** but the Trust
4 remains a party to this litigation.
5

6 IT IS FURTHER ORDERED that the Clerk remove Marcia Anderson from the email
7 notification service list after the final Minutes of Proceedings are filed and placed on the docket.
8 The Sabatino Trust remain as a party to this action unless and until it takes action via counsel to
9 effect a substitution of a party.
10

11 **ECF Nos. 2475 – Motion/Notice of Change of Ownership of Water Right and 2487 – Order:**

12 In ECF No. 2475, John H. Felber, Trustee of the John H. Felber Trust, advises the Felber
13 Trust conveyed ownership of the water rights of the Felber Trust to the Elizabeth Hayden
14 Separate Property Trust. The court's minute order (ECF No. 2487) incorrectly stated that upon
15 notification of the email address for the Hayden Trust that the court's docket would delete the
16 Felber Trust and substitute the Hayden Trust.
17

18 The court discusses with counsel for the principal parties whether the Order (ECF No.
19 2487) should be vacated to the extent there was change in ownership which the court stated it
20 would recognize on the docket. The court concluded the John H. Felber Trust remains a party to
21 this action, and not Elizabeth Hayden Separate Property Trust; ECF No. 2487 is amended
22 accordingly.
23

24 IT IS FURTHER ORDERED that John H. Felber Trust wishes to take action in this case,
25 it must act through counsel and follow the substitution process outlined in Order (ECF No. 2556)
26 utilizing the attached "Form A" (ECF No. 2556-1), which, however, as noted earlier by the court,
27 is not available for transfer of property/water rights by a trust or an estate.
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